

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
) Cr. No. 03-10401-RWZ
)
JING "TONY" CHO)

JOINT MOTION TO CONTINUE SENTENCING DATE

The parties hereby jointly move: (1) to continue the date of the sentencing of defendant Jing "Tony" Cho from Wednesday, April 28, 2004 to any day during the week of July 26, 2004, or a date thereafter convenient to the Court. As grounds therefor, the parties state as follows:

1. The defendant pleaded guilty to a one count Information in this case pursuant to a plea agreement that affords him the opportunity to cooperate with the government.

2. Defendant's cooperation in this case might include testimony at the trial or sentencing of Kam Wai Chui, who was charged in a separate Indictment currently pending in this district (United States v. Kam Wai Chui, Cr. No. 03-CR-10396-NG).

3. Mr. Chui's attorneys have informed the government of their client's intention to plead guilty, but his change-of-plea hearing has yet to be scheduled. They also have represented that Mr. Chui might enter a guilty plea without having entered into a plea agreement, in which case the government might be required to offer substantial evidence at his sentencing, including the testimony of Mr. Cho.

4. It is likely that any trial or sentencing in Mr. Chui's case would not take place until at least three months from now.

6. The U.S. Attorney's Office will not be in a position to evaluate whether and to what extent to recommend a downward departure pursuant to U.S.S.G. § 5K1.1 until the defendant has testified.

7. Accordingly, the parties respectfully request that the Court continue the sentencing in this case until the week of July 26, 2004 or a date thereafter convenient to the Court so that the government will be in a position to evaluate Defendant's cooperation prior to his sentencing.

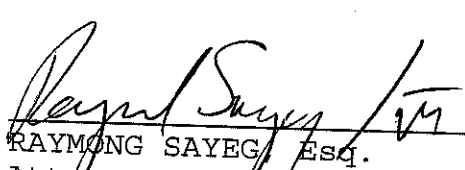
Dated: April 21, 2004

Respectfully submitted,

MICHAEL L. SULLIVAN
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By: 

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